

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

MERIAL LIMITED and MERIAL S.A.S

Plaintiffs and Counterclaim-Defendants,

v.

VELCERA, INC. and FIDOPHARM, INC.

Defendants and Counterclaim-Plaintiffs.

Case No. 3:11-cv-00157-CDL

**MERIAL’S CROSS-MOTION TO COMPEL PRODUCTION
OF ELECTRONICALLY STORED INFORMATION**

Pursuant to Fed. R. Civ. P. 37, Plaintiffs Merial Limited and Merial S.A.S. (collectively, “Merial”) move this Court to compel Defendants Velcera, Inc. and FidoPharm, Inc. (collectively, “Velcera”) to produce electronically stored information. Velcera is refusing to produce its ESI until the Court rules on its Motion to Compel ESI. However, at no time has Velcera sought a protective order. Pursuant to Fed. R. Civ. P. 37(a) and Local Rule 37, Merial certifies that it has in good faith conferred with Velcera about this discovery dispute and the parties are unable to resolve the matter without Court action.

For these reasons and the reasons set forth more fully in the accompanying memorandum, Merial respectfully requests that the Court grant its Cross-Motion to Compel, and order Velcera to immediately begin producing its ESI.

Respectfully submitted, this 11th day of May 2012.

/s/ Nadya M. Sand

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CERTIFICATE OF SERVICE

I hereby certify that I have this date filed foregoing MERIAL'S CROSS-MOTION TO COMPEL PRODUCTION OF ELECTRONICALLY STORED INFORMATION, via the Court's CM/ECF system, which will automatically give notice to all counsel of record.

This 11th day of May, 2012.

s/Nadya M. Sand
Nadya Sand